

# City Council Agenda

Council President  
Blong Xiong

Councilmembers

Oliver L. Baines III  
Lee Brand  
Steve Brandau – Acting President

Paul Caprioglio  
Clinton J. Olivier  
Sal Quintero

City Manager  
Mark Scott

City Clerk  
Yvonne Spence, CMC

City Attorney  
Douglas T. Sloan

The meeting room is accessible to the physically disabled. If you require special assistance to participate in the meeting, notify the Office of the City Clerk at 559-621-7650 at least three business days prior to the meeting. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, contact Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2<sup>nd</sup> Floor, 2600 Fresno Street, Fresno CA 93721.

## July 18, 2013

### 8:30 A.M. ROLL CALL

Invocation by Pastor Melvin Whittle of the Second Baptist Church

Pledge of Allegiance to the Flag

### Ceremonial Presentations:

The agenda and related staff reports are available on ([www.fresno.gov](http://www.fresno.gov)) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Comcast Channel 96 and AT&T Channel 99 from 8:30 a.m. and re-played beginning at 8:00 p.m.

**PROCESS:** For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

No documents shall be accepted for Council review unless they are submitted to the City Clerk at least **24 hours prior** to the Council Agenda item being heard.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of [June 21, 27 and 28, 2013](#)

**Action Taken:** Approved

Approve [Successor Agency and Fresno Revitalization Corporation](#) minutes of June 27, 2013 (All members)

**Action Taken:** Approved

Councilmember Reports and Comments

**Action Taken:** Reports made

Approve Agenda

**Action Taken:** Approved, as amended

Adopt Consent Calendar

**Action Taken:** Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. [Approve the appointment of Tiffany Allen-Potter to the Disability Advisory Committee, and Jason Hartwig to the Historic Preservation Commission; the re-appointments of Lisa Woolf to the Historic Preservation Commission, and Luisa Medina and Randall Reed to the Planning Commission – Mayor's Office](#)

**Action Taken:** Approved

B. **ITEM REMOVED FROM THE AGENDA**

- C. [Authorize the Chief of Police to enter into an agreement for Night Walk Outreach Services with Restoration Outreach Center for \\$25,000 and execute any related written amendment consistent with the terms of the agreement and subject to legal form by the City Attorney – Police Department](#)

**Action Taken:** Authorized

- D. [Approve agreement for the leasing of property by Valley Arts and Science Academy \(VASA\) from City of Fresno for the purpose of operating a charter school \(\*\*\*Property located in District 3\*\*\*\) – PARCS](#)

**Action Taken:** Approved

- E. [Actions pertaining to the maintenance of the City of Fresno ADS sewer flow monitoring equipment – Department of Public Utilities](#)

1. **RESOLUTION** - Authorize the Director of Public Utilities or his designee to negotiate and enter into an agreement for the maintenance of the City of Fresno ADS sewer flow monitoring equipment under the sole source exception

**Action Taken:** Resolution No. 2013-112 adopted

2. Award service contract to ADS Corp, a Division of ADS LLC, in the amount of \$188,164.79 for the maintenance of sewer flow monitoring equipment

**Action Taken:** Awarded

3. Authorize the Director of Public Utilities or his designee to execute contract from May 2013 through December 2015 with provisions for two (2) one-year extensions thereafter

**Action Taken:** Authorized

- F. [Approve the substitution of a listed subcontractor pertaining to the Secondary Process Operations Building rehabilitation and construction of equipment and materials storage canopies project located at the Fresno/Clovis Regional Wastewater Reclamation Facility \(\*\*\*Property located in District 3\*\*\*\) – Department of Public Utilities](#)

**Action Taken:** Approved

1. **CONSENT CALENDAR CONTINUED**

- G. Actions pertaining to a summary vacation located on the north side of E. Bulldog Lane – Public Works Department
1. Adopt a Finding of Categorical Exemption per staff determination, pursuant to Section 15301(c)/Class 1 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment No. EA-13-012  
**Action Taken: Adopted**
  2. **RESOLUTION** - Ordering the summary vacation of a 10-foot wide Public Utility Easement (PUE) in Lot 11 of Tract No. 1734, Fraternity Row, located on the north side of E. Bulldog Lane between N. Sixth Street and N. Millbrook Avenue (***Property located in District 4***)  
**Action Taken: Resolution No. 2013-113 adopted**
- H. \* **BILL NO. B-21 – (Intro. 6/27/2013) (For adoption)** - Adding Article 4.12 to Chapter 12 of the Fresno Municipal Code relating to the exemption of development impact fees for the replacement or reconstruction of existing small developments - Councilmember Olivier  
**Action Taken: Ordinance No. 2013-21 adopted**

**CONTESTED CONSENT CALENDAR**

2. **GENERAL ADMINISTRATION**

- A. Actions pertaining to the 36-inch relief sewer and 14-inch water main replacement in Marks Avenue (***Property located in District 3 and parts of Fresno County***) – Department of Public Utilities
1. Adopt a finding of Categorical Exemptions of Class 1 and 4, pursuant to Section 15301(b) (existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services) and Section 15304(f) (minor trenching and backfilling where the surface is restored) of the California Environmental Quality Act Guidelines  
**Action Taken: Adopted**
  2. Award a \$3,924,126 contract to Sierra Mountain Construction, Inc., of Sonora, California  
**Action Taken: Awarded**
  3. Approve the agreement for repair of Fresno County roads for the 36-inch relief sewer and 14-inch water main replacement in Marks Avenue  
**Action Taken: Approved**
  4. Authorize the Director of Public Utilities or his designee to sign the contract on behalf of the City  
**Action Taken: Authorized**
- B. \* **RESOLUTION** - 2nd amendment to the Annual Appropriation Resolution (AAR) No. 2013-98 appropriating \$728,600 in developer contributions for the acquisition of right-of-way for public street and public utility easements for Parcel Map No. 2008-13 known as the El Paseo project (***Requires 5 affirmative votes***) (***Property located in District 2***) – Public Works Department  
**Action Taken: Resolution No. 2013-114 adopted**

### 3. **CITY COUNCIL**

#### A. Council Boards and Commissions Communications, Reports, Assignments and/or Appointments, Reappointments, Removals to/from City and non-City Boards and Commissions:

1. Council of Governments – **Swearengin-Ex-Officio (Baines-Alternate)**
2. Finance and Audit Committee – **Brand, Olivier, Xiong**
3. Fresno Area Workforce Investment Corporation - **Baines**
4. Fresno County Transportation Authority (FCTA) - **Swearengin, Brandau**
5. Fresno Regional Workforce Investment Board – **Baines, Renena Smith**
6. Fresno County Zoo Authority – **Swearengin (Baines-Alternate)**
7. Fresno Madera Area Agency on Aging Board - **Olivier**
8. Joint Powers Financing Authority - **Olivier**
9. Leadership Council on Ending Homelessness - **Swearengin, Baines**
10. San Joaquin River Conservancy Board - **Swearengin (Brandau-Alternate)**
11. Association for the Beautification of Highway 99 - **Baines**
12. Upper Kings Basin Integrated Regional Water Management JPA – **Xiong**
13. Pension Reform Task Force – **Brand, Xiong, (3<sup>rd</sup> Member vacant)**
14. Economic Development Corporation Serving Fresno County – **Brandau-Ex-Officio**
15. Fresno/Clovis Convention & Visitors Bureau (CVB) - **Renena Smith**
16. League of California Cities (Annual Meeting) – **Swearengin (Olivier-Alternate)**
17. San Joaquin Valley Air Pollution Control District - **Baines**
18. Infill Development Ad Hoc Subcommittee - **Brand, Baines, Olivier**
19. Litigation Exposure Reduction Ad Hoc Committee – **Brandau, Caprioglio**

**Action Taken:** Reports made

### 4. **CLOSED SESSION**

#### A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (d)(1)

1. Carlton Jones v. City of Fresno; United States District Court Case No. 12-CV-01797-LJO-GSA
2. Carlos Leal v. City of Fresno; Fresno County Superior Court Case No. 11CECG00716
3. Al E. Maroney v. City of Fresno; Fresno County Superior Court Case No. 13CECG00520
4. City of Fresno v. Chevron USA et al.; MDL 1358; CV-04973 (SAS)

**Action Taken:** Held

#### B. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** – Government Code Section 54957

**Title:** City Clerk

**Action Taken:** Held

### **SCHEDULED COUNCIL HEARINGS AND MATTERS**

#### 9:30 A.M. **Actions pertaining to Creating Prosperity in Fresno – Acting President Brandau**

- a. **RESOLUTION** – Supporting the efforts and whitepaper of Creating Prosperity in Fresno - a diversified group of business, civic, education and non-profit leaders who believe key changes in the City of Fresno can spur private sector job growth and economic vitality for our City – Acting President Brandau

**Action Taken:** Resolution No. 2013-115 adopted

- b. Direct staff to return within 30 days with an implementation plan consistent with goals in Creating Prosperity in Fresno's whitepaper

**Action Taken:** Approved, as amended to include community in the process

#### 9:45 A.M. \* **Amend budget to restore funding for all positions eliminated or defunded as a result of the 2013-14 budget cuts; direct staff to return at the next Council meeting with all necessary documents to restore the funding and positions (Requires 5 affirmative votes) - Councilmember Quintero**

**Action Taken:** Discussed and continued one week

## **SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED**

- 10:00 A.M.**     **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 9, Annexation No. 5 (Final Parcel Map No. 2011-10) *(Property located in District 1)* (east side of N. Brawley Avenue between W. Gettysburg and Ashlan Avenues) – Public Works Department  
**Action Taken:**    **Held**
- a.     **RESOLUTION** – Annexing territory to Community Facilities District No. 9 and authorizing the levy of a special tax  
**Action Taken:**    **Resolution No. 2013-116 adopted**
  - b.     **RESOLUTION** – Calling a special mailed-ballot election  
**Action Taken:**    **Resolution No. 2013-117 adopted**
  - c.     **RESOLUTION** – Declaring election results  
**Action Taken:**    **Resolution No. 2013-118 adopted**
  - d.     \* **BILL** – Levying a special tax for the property tax year 2013-2014 and future years with and relating to Community Facilities District No. 9, Annexation No. 5  
**Action Taken:**    **Bill No. B-22/Ordinance No. 2013-22 adopted**
- 10:15 A.M.**     **HEARING** to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) *(Property located in District 5)* (southwest corner of E. Fancher Creek Drive and S. Sunnyside Avenue) – Public Works Department
- a.     **RESOLUTION** – Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
  - b.     **RESOLUTION** – Calling a special mailed-ballot election
  - c.     **RESOLUTION** – Declaring election results
  - d.     \* **BILL** – Levying a special tax for the property tax year 2013-2014 and future years with and relating to Community Facilities District No. 11, Annexation No. 49  
**Action Taken:**    **Continued to 8/15/2013 @ 4:30 p.m.**
- 10:30 A.M.**     **HEARING** to consider Rezone Application No. R-13-004 and related Environmental Assessment No. R-13-004 filed by Bradley Steinberg on behalf of PWS “The Laundry Company” for property located on the southwest corner of N. West and W. Dakota Avenues *(Property located in District 1)* – Development and Resource Management Department  
**Action Taken:**    **Held**
- a.     Adopt the Finding of Conformity prepared for Environmental Assessment No. R-13-004  
**Action Taken:**    **Adopted**
  - b.     **BILL** - Amending the Official Zone Map to rezone the subject property from the C-1/cz *(Neighborhood Shopping Center/conditions of zoning)* zone district to the C-1 *(Neighborhood Shopping Center)* zone district  
**Action Taken:**    **Bill No. B-23/Ordinance No. 2013-23 adopted**
- 11:00 A.M.**     **WORKSHOP** regarding Central California Society for the Prevention of Cruelty to Animals (CCSPCA) – City Manager's Office – **Removed from the agenda**

**PLEASE NOTE: UNSCHEDULED COMMUNICATIONS IS NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING**

#### **SCHEDULED COMMUNICATION –**

**UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

#### **SCHEDULED COUNCIL HEARINGS AND MATTERS**

July	25 -	10:00 A.M.#1	<b>HEARING</b> to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 50 (Final Tract Map No. 5599) (Council District 1) (East side of N. Polk Avenue between W. Shaw and Gettysburg Avenue)
July	25 -	10:00 A.M.#2	<b>HEARING</b> - City of Fresno Landscaping and Lighting Maintenance District No. 1 ( <i>Citywide</i> ) – Public Works Department
Aug.	1 -		<b>COUNCIL VACATION</b>
Aug.	8 -		<b>COUNCIL VACATION</b>
Aug.	15 -	1:30 P.M.	<b>MEETING</b>
Aug.	15 -	1:30 P.M.	Presentation of P.R.I.D.E. Team Certificates for the Summer Quarter ( <i>Reception immediately following - 2<sup>nd</sup> floor foyer</i> )
Aug.	15 -	2:00 P.M.	<b>HEARING</b> re: Plan Amendment No. A-12-005, Rezone Application No. R-12-007, filed by Chris Kliewer on behalf of Lennar Fresno, Inc.
Aug.	15 -	4:30 P.M.	<b>CONTINUED HEARING</b> to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 49 (Final Tract Map No. 5932) ( <i>Property located in District 5</i> )
Aug.	15 -	5:00 P.M.	<b>HEARING</b> re: Proposition 218 on proposed increase of water utility rates
Aug.	29 -	10:00 A.M.	<b>HEARING</b> re: Text Amendment Application No. TA-13-003 adding uses in commercial recreation District
Aug.	29 -	10:05 A.M.	<b>HEARING</b> re: Text Amendment Application No. TA-13-004 extending time on CUP's
Sept.	5 -		<b>COUNCIL VACATION</b>
Sept.	12 -		<b>COUNCIL VACATION</b>
Sept.	19 -	1:30 P.M.	<b>MEETING</b>
Sept.	19 -	2:00 P.M.	<b>HEARING</b> to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 51 (Final Tract Map No. 6037)(Council District 2) (North east corner of N. Garfield and W. Barstow Avenues)
Sept.	19 -	2:15 P.M.	<b>HEARING</b> to adopt resolutions and ordinance to revise the rate and method of apportionment of the Special Tax and authorizing the levy a new Maximum Special Tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 31

#### **UPCOMING EMPLOYEE CEREMONIES**

Oct.	23 – (Weds.)	2:00 P.M.	Employee Service Awards Ceremony ( <i>Reception immediately following - 2<sup>nd</sup> floor foyer</i> )
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